

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*The County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*, Case No. 18-OP-45090

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**MOTION OF DEFENDANT TEVA PHARMACEUTICAL INDUSTRIES LTD.
TO DISMISS THE SECOND AMENDED COMPLAINT
FOR LACK OF PERSONAL JURISDICTION**

Pursuant to Federal Rule of Civil Procedure 12(b)(2), Defendant Teva Pharmaceutical Industries Ltd. (“Teva Ltd.”) respectfully requests that the Court dismiss all claims brought by Summit County, Ohio and 23 political subdivisions within the County (together, “Plaintiffs”) in the Second Amended Complaint (“Complaint”) against it for lack of personal jurisdiction. As numerous courts across the country have recognized, Teva Ltd. is an Israeli company that is not subject to general personal jurisdiction in the United States, and there is no basis to assert specific personal jurisdiction over it with respect to alleged activities by its subsidiaries. Personal jurisdiction is lacking over Teva Ltd. under Ohio’s long-arm statute, R.C. § 2307.382, and under the due process clause of the Fifth and Fourteenth Amendments. Accordingly, Teva Ltd. should be dismissed from this case without having to incur the burden, costs, and significant reputational harm of having to defend itself in a case (and MDL proceeding) in a foreign country where it is not subject to personal jurisdiction.¹

¹ Teva Ltd. recently accepted and waived service of the Complaint pursuant to the Court’s November 9, 2018 Order and thus has not previously responded to that pleading. (Dkt. No. 1108). CMO-1 expressly contemplates motions to dismiss in this action (Dkt. No. 232, at ¶ II(B)), and makes clear that “nothing in this Order is intended to waive any Defendant’s right to

A memorandum in support of this motion is attached.

Dated: January 15, 2019

Respectfully submitted,

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file an individual motion to dismiss in any or all of the above-listed cases in the future on any grounds, including lack of personal jurisdiction.” (*Id.* at ¶ II(J)). As such, because there is no constitutional basis to assert personal jurisdiction over Teva Ltd. and consistent with due process principles, Teva Ltd. moves for dismissal on this narrow ground.

CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2019, a copy of the foregoing Motion Of Defendant Teva Pharmaceutical Industries Ltd. To Dismiss The Second Amended Complaint For Lack Of Personal Jurisdiction was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. If electronic notice is not indicated through the court's e-filing system, a true and correct copy of the foregoing document was delivered via electronic mail or U.S. Mail.

Dated: January 15, 2019

/s/ Steven A. Reed
Steven A. Reed